

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**Sommer S. Steward,**

**Petitioner,**

**Case No. 2:21-cv-5940**

**v.**

**Judge Michael H. Watson**

**Warden, Dayton Correctional Institution,**

**Magistrate Judge Deavers**

**Respondent.**


**ORDER**

Magistrate Judge Deavers issued a Report and Recommendation (“R&R”) pursuant to Federal Rule of Civil Procedure 72(b), recommending the Court dismiss with prejudice Petitioner’s *pro se* habeas corpus petition. R&R, ECF No. 12. The R&R notified the parties of their right to object to the same and warned the parties that a failure to timely object would result in a forfeiture of the right to *de novo* review by the Undersigned and the right to appeal the Court’s decision adopting the R&R. *Id.* at 26–27.

Petitioner failed to timely file any objections, and, therefore, the Court **ADOPTS** the R&R and **DISMISSES WITH PREJUDICE** Petitioner’s petition. Petitioner is **DENIED** a Certificate of Appealability, and the Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Opinion and Order would be objectively frivolous and therefore would not be taken in good faith.

The Clerk is **DIRECTED** enter judgment in favor of Respondent and close this case.

**IT IS SO ORDERED.**

  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**